

## US Army Corps of Engineers®

# SPECIAL PUBLIC NOTICE

APPLICATION FOR ESTABLISHING  
A RESTRICTED NAVIGATION AREA

LOS ANGELES DISTRICT

**Public Notice/Application No.:** 200200700-MDC

**Comment Period:** January 22, 2003 through February 22, 2003

**Project Manager:** Mark D. Cohen

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### *Applicant*

Captain J.W. Rainwater  
Commanding Officer (Code N46VP J.Danza)  
Naval Base Ventura County  
311 Main Street, Suite 1, Bldg. 66  
Point Mugu Nawc, California 93042-5033

### *Contact*

Mr. James M. Danza  
Space Resource Manager  
Naval Base Ventura County  
311 Main Street, Suite 1, Bldg. 66  
Point Mugu, California 93042-5001  
(805) 989-9747

### *Location*

The proposed restricted area would encompass a six-mile-long by one-quarter-mile-wide section of the Pacific Ocean along the shoreline between the up-coast limit and the down-coast limit of Naval Base Ventura County, Point Mugu, Ventura County, California (see page 3 of this notice for specific coordinates).

### *Activity*

The Corps, at the request of the U. S. Navy, proposes to establish a restricted area over Naval Base Ventura County, Point Mugu's shoreline seaward to one-quarter mile. This restricted area would prohibit vessel entry into this area except as authorized by the Commander of Naval Base Ventura County. The U.S. Navy considers this restricted area essential to protect Naval Base Ventura County Point Mugu facilities and personnel from sea-borne threats (see attached drawing). For more information see page 3 of this notice.

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Interested parties are invited to provide their views on the proposed designation, which will become a part of the record and will be considered in the decision. This decision will be evaluated under Section 7 of the River and Harbor Act of 1917 (33 U.S.C. 1). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch  
ATTN: CESPL-CO--200200700-MDC  
P.O. Box 532711  
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: [mark.d.cohen@usace.army.mil](mailto:mark.d.cohen@usace.army.mil)

## ***Evaluation Factors***

The decision whether to establish the restricted area will be based on an evaluation of the probable impact including cumulative impacts of the proposed designation on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed designation. Any comments received will be considered by the Corps of Engineers to determine whether to establish the proposed restricted area or to modify it prior to establishment. To make this decision, comments are used to assess impacts on a variety of public interest factors. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed designation.

## ***Preliminary Review of Selected Factors***

***EIS Determination-*** A preliminary determination has been made that an environmental impact statement is not required for the proposed establishment of a restricted area.

***Water Quality-*** The proposed action would not result in a discharge of dredged or fill material into waters of the U.S. Therefore, a water quality certification pursuant to Section 401 of the Clean Water Act is not required from the California Regional Water Quality Control Board.

***Magnuson-Stevens Fishery Conservation and Management Act (Act) - Essential Fish Habitat (EFH).*** This notice initiates the EFH consultation requirements of the Act. As proposed, all vessels entering the Point Mugu restricted area must first notify and receive approval from the Commanding Officer of Naval Base Ventura County. The establishment of this restricted area would not be expected to affect EFH. This authorization would not permit the discharge of dredged or fill material in waters of the United States. Therefore, our initial determination is that the proposed designation would not have any adverse impact on EFH or federally managed fisheries in California waters under the Pacific Groundfish Fishery and the Coastal Pelagics Fishery Management Plans. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

***Coastal Zone Management-*** The California Coastal Commission issued a concurrence with the Navy's Coastal Consistency Negative Determination for this proposed designation (ND-066-02).

***Cultural Resources-*** The latest version of the National Register of Historic Places has been consulted, and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

***Endangered Species-*** Preliminary determinations indicate that the proposed designation would not affect federally listed endangered or threatened species, or their designated critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### ***Proposed Activity for Which a Permit is Required***

The U.S. Navy has requested that the Corps establish a restricted area over the waters within a ¼-mile-wide, 6-mile-long polygon along the entire length of the Naval Base Ventura County Point Mugu shoreline, pursuant to Section 7 of the River and Harbor Act of 1917, for the use, administration, and navigation of the navigable waters of the U.S. as public necessity may require for the protection of life and property. The proposed restricted area would more specifically encompass all navigable waters from the shoreline to a distance one-quarter mile seaward for the 6-mile-length of Naval Base Ventura County Point Mugu, as further defined by the following points: latitude deg. 34-7'-9.9", longitude deg. 119-9'-35.6" (up-coast shoreline point); latitude deg. 34-7'-0.0", longitude deg. 119-9'-46.7"; latitude deg. 34-6'-44.9", longitude deg. 119-9'-22.5"; latitude deg. 34-6'-30.2", longitude deg. 119-8'-59.0"; latitude deg. 34-6'-20.5", longitude deg. 119-8'-46.7"; latitude deg. 34-6'-8.4", longitude deg. 119-8'-25.2"; latitude deg. 34-5'-53.7"; longitude deg. 119-7'-59.5"; latitude deg. 34-5'-45.9", longitude deg. 119-7'-41.5"; latitude deg. 34-5'-40.1", longitude deg. 119-7'-21.0"; latitude deg. 34-5'-33.6", longitude deg. 119-6'-58.1"; latitude deg. 34-5'-31.2", longitude deg. 119-6'-37.9"; latitude deg. 34-5'-31.0", longitude deg. 119-6'-22.2"; latitude deg. 34-5'-32.9", longitude deg. 119-6'-14.4"; latitude deg. 34-5'-44.7", longitude deg. 119-5'-54.0"; latitude deg. 34-5'-45.2", longitude deg. 119-5'-43.5"; latitude deg. 34-5'-41.0", longitude deg. 119-5'-21.2"; latitude deg. 34-5'-42.2", longitude deg. 119-5'-13.3"; latitude deg. 34-5'-27.8", longitude deg. 119-4'-49.5"; latitude deg. 34-5'-17.9", longitude deg. 119-4'-27.9"; latitude deg. 34-5'-5.7", longitude deg. 119-3'-59.90"; latitude deg. 34-5'-17.9", longitude deg. 119-3'-55.4" (down-coast shoreline point) (NAD 83).

According to the U.S. Navy, the establishment of the proposed restricted area is required to prevent death or injury to naval personnel, damage or destruction of aircraft, facilities, or other property from terrorists, sabotage, or other subversive acts or criminal actions or other causes of similar nature. Operations and assets, such as the Naval Construction Battalion Center, Navy wharves, and transient and home-ported ships are vital to national security interests.

### ***Additional Project Information.***

**Restricted Area.** Restricted area, per 33 CFR 334.2(b), is defined as the water area for the purpose of prohibiting or limiting public access to the area. Restricted areas generally provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area.

**Background Information.** The U.S. Navy's original application requested that the restricted area apply to vessels and persons. After discussing this matter with the Corps, the U.S. Navy revised its application so that the restricted area would only apply to vessels. Pursuant to Section 7 of the River and Harbor Act of 1917, restricted area violations are considered misdemeanors and if convicted, violators are punishable by a fine not to exceed \$500 or by imprisonment not to exceed 6 months. However, pursuant to 18 U.S.C. 3571, felony convictions for violations of federal law can be subject to an alternative maximum fine of \$250,000 against individuals and \$500,000 against organizations.

**Statement for need of the restricted area.** The U.S. Navy has stated that the establishment of the restricted area is needed to prevent death or injury to naval personnel, damage or destruction of aircraft, facilities, or property from terrorists, sabotage or other subversive acts or criminal actions or other causes of similar nature. Operations and assets such as the Airborne Early Warning Wing, U.S. Pacific Fleet located at Naval Base Ventura County Point Mugu are vital to national security interests. The Point Mugu site has several vital facilities near the shoreline, as well as other on-base assets that could be penetrated from a sea-borne threat. The restricted area would provide a buffer zone in which the Commanding Officer of Naval Base

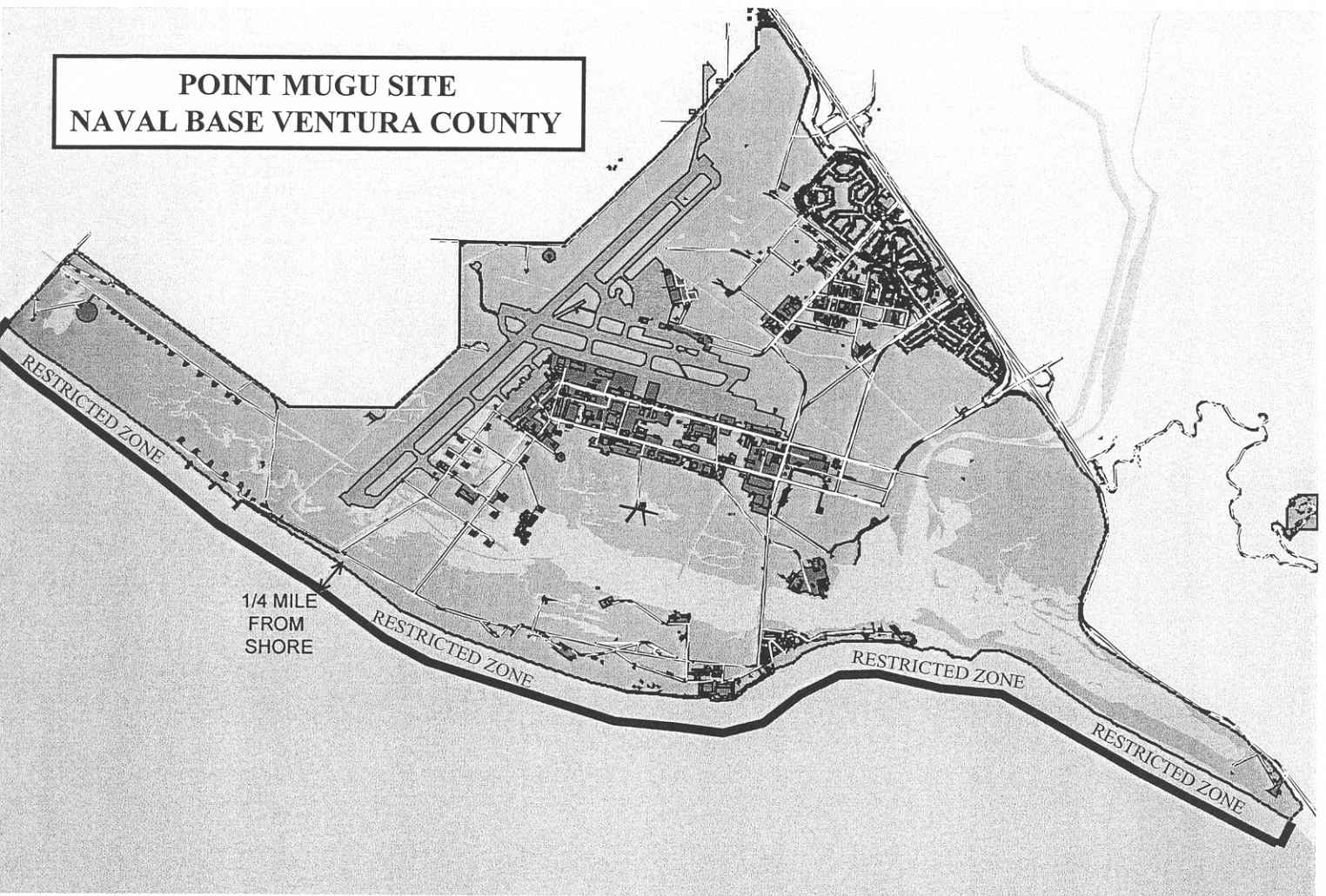
Ventura County and appropriate law enforcement could identify and intercept vessel-based intruders before they reach the shore.

**PROPOSED RULE.** The Regulation for the restricted area is proposed as follows:

No vessels may enter the restricted area unless permission is obtained in advance from the Commanding Officer of Naval Base Ventura County. The restricted area at Naval Base Ventura County Point Mugu incorporates its shoreline and connects the following points: latitude deg. 34-7'-9.9", longitude deg. 119-9'-35.6" (up-coast shoreline point); latitude deg. 34-7'-0.0", longitude deg. 119-9'-46.7"; latitude deg. 34-6'-44.9", longitude deg. 119-9'-22.5"; latitude deg. 34-6'-30.2", longitude deg. 119-8'-59.0"; latitude deg. 34-6'-20.5", longitude deg. 119-8'-46.7"; latitude deg. 34-6'-8.4", longitude deg. 119-8'-25.2"; latitude deg. 34-5'-53.7"; longitude deg. 119-7'-59.5"; latitude deg. 34-5'-45.9", longitude deg. 119-7'-41.5"; latitude deg. 34-5'-40.1", longitude deg. 119-7'-21.0"; latitude deg. 34-5'-33.6", longitude deg. 119-6'-58.1"; latitude deg. 34-5'-31.2", longitude deg. 119-6'-37.9"; latitude deg. 34-5'-31.0", longitude deg. 119-6'-22.2"; latitude deg. 34-5'-32.9", longitude deg. 119-6'-14.4"; latitude deg. 34-5'-44.7", longitude deg. 119-5'-54.0"; latitude deg. 34-5'-45.2", longitude deg. 119-5'-43.5"; latitude deg. 34-5'-41.0", longitude deg. 119-5'-21.2"; latitude deg. 34-5'-42.2", longitude deg. 119-5'-13.3"; latitude deg. 34-5'-27.8", longitude deg. 119-4'-49.5"; latitude deg. 34-5'-17.9", longitude deg. 119-4'-27.9"; latitude deg. 34-5'-5.7", longitude deg. 119-3'-59.90"; latitude deg. 34-5'-17.9", longitude deg. 119-3'-55.4" (down-coast shoreline point) (NAD 83).

For additional information please call Mark D. Cohen of my staff at (213) 452-3413. This public notice is issued by the Chief, Regulatory Branch.

**POINT MUGU SITE  
NAVAL BASE VENTURA COUNTY**



2000 0 2000 4000 Feet



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